multiply and replenish the earth, according to my commandment, and to fulfill the promise which was given by my Father before the coundation of the world; and for their sulta-tion in the sternal worlds, that they may bear the souls of men; for herein is the work of my Father continued, that he may be giori-ned.

then an apostle of the Mormon Church. Tills is shown by the proof of these facts:

Down to the year 1895 Lillian Hamlin was a single woman. In 1895 she received attentions from Abraham H. Cannon, these attentions being of a character to indicate that there was more than a friendly relation existing between the two. In June, 1895, Abraham H. Cannon informed his plural wife that he was going to California with Joseph F. Smith and Lillian Hamlin to be married to Lillian Hamlin at some place outside the United States. While in California Joseph F. Smith went with Abraham H. Cannon and Lillian Hamlin from Los Angeles to Catalina Island. After the return of the party to Los Angeles, Abraham H. Cannon and Lillian Hamlin from Los Angeles to Catalina Island. After the return of the party to Los Angeles, Abraham H. Cannon and Lillian Hamlin lived together as husband and wife. Returning to Salt Lake City, Abraham H. Cannon told his plural wife that he had been married to Lillian Hamlin. From that time it was generally reputed in the community and understood by the families of both Abraham H. Cannon and Lillian Hamlin that a marriage had taken place between them; that they had been married on the high seas by Joseph F. Smith, Lillian Hamlin dissumed the name of Cannon, and a child to which she afterwards gave birth bears the name of annon and linevited a share of the estre of Abraham H. Cannon. The promience of Abraham H. Cannon in the

annon and inherited a share of the ester of Abraham H. Cannon. The promisence of Abraham H. Cannon in the hurch the publicity given to the fact of the taking Lillan Hamilin as a plural wife render it practically impossible that this should have been done without the knowledge, the consent, and the connivance of the headship of that church.

George Teasdale, another apostle of the Mormon church, contracted a plural marriage with Marion Scholes since the manifesto of 189. The president of the Mormon church endeavors to excuse this act upon the pretext that the first marriage of George Teasdale was not a legal marriage, but the testimony taken from the divorce proceedings which separated George Teasdale from his lawful wife, wholly controverts this assertion on the part of President Smith.

part of President Smith.

It is also in evidence that Walter Stead, a prominent Mormon, contracted a plural marriage after the manifesto of 1890.

Charles E. Merrill, a bishop of the Mormon church, took a plural wife in 1891, more than a year after the issuing of the manifesto. The ceremony uniting said manifesto. The ceremony uniting said Merrill to his plural wife was performed by his father, who was then and until the time of his death an apostle in the Mormon church. It is also shown that John W. Taylor, another apostle of the Mormon church, has been married to two plural wives since the issuing of the so-called manifesto.

Matthias F. Cowley, another of the twelve apostles, has also taken one or more plural wives since the manifesto. While the proof that Apostles Taylor and Cowley have married plural wives since

While the proof that Apostles Taylor and Cowley have married plural wives sinc the manifesto may not be so free from all possible doubt as is the proof in the case of Abraham Cannon, the fact that the proofs presented to the committee showing such marriages by Taylor and Cannon stand wholly uncontroverted, and the further fact that Apostles Taylor and Cowley, instead of appearing before the committee and denying the allegation, evade service of process issued by the committee for their appearance, and refuse to appear after being requested to do so, warrant the conclusion that the allegation is true and that said Taylor and Cowley have taken plural wives since the manifesto.

While the fact does so

resto.

While the fact does not appear from any sworn testimony in the case, it is a matter of common report that Taylor and Cowley have recently been dropped from the list of apoeties. But this fact in no way counteracts the influence of the Mormon leaders in their encouragement of polygamy. When Taylor and Cowley took their more recent plural wives they were iygamy. When Taylor and Cowley took their more recent plural wives they were

mon leaders in their encouragement of polygamy. When Taylor and Cowley took their more recent plural wives they were numbered among the apostles in good standing. The fact that they had taken plural wives since the manifesto was well known to their associates for months and years. But they were continued as apostles, and no action was taken in the case of either until the facis were revealed to the world by this investigation. And it is worthy of note that these apostles have not been complained of or brought to trial before the church courts for disobeying the manifesto, nor have they been deprived of their office or honors in the church (as was done in the case of Moses Thatcher for a political offense), but they are still members of the church in good standing, each still holds the office of an elder in the church, and each is still a member of the high priesthood of the church.

The dropping of Taylor and Cowley from the quorum of twelve apostles was so evidently done for popular effect that he act merits no consideration whatever, except as an admission by the first presidency and twelve apostles that Apostles Taylor and Cowley have each taken one or more plural wives since the manifesto.

It is also proved that about the year 1895 James Francis Johnson was married to a plural wife. Clara Mabel Barber, the ceremony in this instance being performed by an apostle of the Morrmon church. To these cases must be added that of Marriner W. Merrill, another apostle; J. M. Tanner, superintendent of church schools Benjamin Cluff, Jr., president of Brigham Young university; Thomas Chamberlain, counselor to the president of a stake, Elshop Rathall. John Silver, Winslow Farr, Heber Bennion, Samuel S. Newton, a man named Okey, who contracted a polaral marriage with Ovens Jorgensen in Fair, Heber Bennion, Samuel S. Newton, a man named Okey, who contracted a olural marriage with Ovena Jorgensen in the year 1897, and Morris Michelson about the year 1992. In the case of Benjamin Cluff, Jr., before referred to, the polygamous marriage was tacitly sanctioned by President Joseph F. Smith when he 'referred to Sister Cluff and the work she had been doing among the children in Colonia Diaz, Mexico."

It is morally impossible that all these

Colonia Diaz, Mexico."
It is morally impossible that all these violations of the laws of the State of Utah by the contracting of plural marriages could have been committed with-

out the knowledge of the first presidency and the twelve apostles of the Mormon church. In two of the above cases, that of George Teasdale and that of Benjamin Cluff, Jr., the fact of the plural marriage was directly communicated to the president of the church, Joseph F. Smith, and in the other case, with the possible exception of James Francis Johnson, the fact of a plural marriage having been celebrated was so well known throughout the community that it is not conceivable that such marriages would not have been called to the attention of the leaders of the church. Indeed, there was no denial on the part of the first president or any one of the twelve apostles that they learned of the fact that plural marriages were being contracted by officials of the Mormon church and that no attention was paid to the matter. The excuse given by them was that it was not their duly to interfere in such matters, that the law furnished a remedy. Furhermore, it was shown by the testimony of one of the twelve apostles and of other witnesses that "under the outabilished law of the church no person could secure a plural wife except by consent of the president of the church."

contracted of the world, and for their exaltation in the sternal worlds, that they may bear the souls of ment for herein is the world. Father continued, that he may be glorially the continued that he may be glorially and the step of the father of the plural marriage was directly communicated to the possible of the past and minister unto him or she shall be destroyed, said the Lond him or she shall be destroyed, said the Lond him or she shall be destroyed, said the Lond him or she shall be destroyed, said the Lond him or she shall be destroyed, said the Lond him or she shall be destroyed, said the Lond him or she shall be destroyed, said the Lond him or she shall be destroyed, said the Lond him or she shall be destroyed, said the Lond him or she shall be destroyed, said the Lond him or she shall be destroyed to the community that it is not consciously that the lond him or she shall be destroyed, said the Lond him or she shall be destroyed, said the Lond him or she shall be destroyed, said the Lond him or she shall be destroyed to the community that it is not consciously that the lond him or she shall be destroyed to the she will she will be destroyed to the she wi

service of process from the committee. But shortly before the investigation began all these witnesses went out of the country.

Subpoenas were issued for each one of the witnesses named, but in the case of Samuel Newton only could the process of the committee be served. Mr. Newton refused to obey the order of the committee, alleging no reason or excuse for not appearing. It is shown that John W. Taylor was sent out of the country by Joseph F. Smith on a real or pretended mission for the church. And it is undeniably true that not only the apostles, but also all other officials of the Mormon church, are at all times subject to the orders of the governing authorities of the church.

It would be nothing short of self-stulitification for one to believe that all these most important witnesses chanced to leave the United States at about the same time and without reference to the investigation. All the facts and circumstances surrounding the transaction point to the conclusion that every one of these witnesses is under the direction and control of the first presidency and twelve apostles of the Mormon church and to avoid testifying before the committee. It is, furthermore, a fact which cannot be questioned that every one of these witnesses is under the direction and control of the first presidency and twelve apostles of the Mormon church Had those officials seen fit to direct the witnesses named to return to the United States and give their testimony before the committee, they would have been obliged to do so. The reason why the said witnesses left the country and have refused to come before the committee is easy to understand, in view of the testimony showing the contracting of plural marriages by prominent officials of the Mormon church within the past few years. It was clalmed by the protestants that the regords kept in the Mormon temple at Sait Lake City and Logan would disclose the fact that plural marriages have been contracted in Utah since the manifesto with the sanction of the officials of the

the records kept in the Mormon temple at Sait Lake City and Logan would disclose the fact that plural marriages have been contracted in Utah since the manifesto with the sanction of the officials of the church. A witness who was required to bring the records in the temple at Sait Lake City refused to do so after consulting with President Smith. It is claimed by counsel for Mr. Smoot that this witness was not mentally competent to testify; but his testimony may be searched in vain for any internal evidence of such incompetency, and there was nothing in the appearance of the witness when testifying to suggest to the committee that he was not as competent to testify as any witness who was examined during the course of the investigation.

The witness who was required to bring the records kept in the temple at Logan excused himself from attending on the plea of ill health. But the important part of the mandate of the committee—the production of the records—was not obeyed by sending the records—was not obeyed by sending the records, which could easily have been done.

In the case of other witnesses who were believed to laye contracted plural marraiges since the year 1890 all sorts of shirts, tricks, and evasions were resorted to in order to avoid service of a subpoena to appear before the committee and testify.

These instances of the suppression of

the appear of the suppression of testimony by the direct order or tacit consent of the ruling authorities of the Mormon church warrant the committee in believing that the suppressed testimony would, if produced, strongly corroborate the testimony which was given, showing that those who direct the affairs of the Mormon church countenance and encourage polygamous marriages, as well as polygamous cohabitation, and that the alterities of the protestants in that relegations of the protestants in that regard are true.

Mormon Officials Living in Polygamous Cohabitation.

Asidé from this it was shown by the testimony, and in such a way that the fact could not possibly be controverted, that a majority of those who give the law to the Mormon church are now, and have been for years, living in open, notorious and shameless polygamous co-habitation. The list of those who are thus guilty of violating the laws of the State and the rules of public decency is headed by Joseph F Smith, the first president, prophet, seer, and revelator of the Mormon church who testified in regard to that subject as follows:

Mr. Tayler, Is the cohabitation with one

Mr. Tayler Is the cohabitation with one who is claimed to be a plural wife a violation of the law of the church as well as of the aw of the land? That was the case, and is the ase even today. Mr. Tayler. What was the case; what you are about to say?

Mr. Tayler. What was the case; what you are about to say?

Mr. Smith. That it is contrary to the rule of the church, and contrary as well to the law of the land, for a man to cohabit with his wives.

I have cohabited with my wives, not openly—that is, not in a manner that I thought would be offensive to my neighbors—but I acknowledged them; I have done it, knowing the responsibility and knowing that I was amenable to the law.

Mr. Tayler. In 1892. Mr. Smith, how many wives did you has set.

Mr. Smith. In 1892?

Mr. Smith. In 1892?

Mr. Smith. I had five.

Mr. Tayler. My question is. How many children have been born to him by these wives since 1880?

ince 1890? Mr. Smith. I had eleven children born since

Mr. Tayler. Those are all the children that have been born to you since 1890?
Mr. Smith. Yes, sir, those are all.
Mr. Tayler. Were those children by all of your wives; that is, did all of your wives bear

your wives; that is, did all of your wives bear children?
Mr. Smith. All of my wives bore children.
Mr. Taylor Since 1890?
Mr. Smith. That is correct.
The Chairman. I understand since 1890?
Mr. Smith. Since 1890. I said that I have had born to me elevan children since 1890, each of my wives being the mother of from one to two of those children.

The Chairman. Mr. Smith. I will not pressit, but I will ask you if you have any objection to stating how many children you have in all.
Mr. Smith. Altowather?

in all.

Mr. Smith. Altogether?

The Chairman Yes.

Mr. Smith I have had born to me, sir, forty-two children—twenty-one boys and twenty-one girls—and I am proud of every one of them.

The Chairman. Do you obey of them.

The Chairman. Do you obey the law in having five wives at this time and having them bear to you eleven children since the manifesto of 189?

Mr. Smith. Mr. Chairman, I have not claimed that in that case I have objeyed the law of the land.

The Chairman. That is all.

Mr. Smith. I do not claim so, and, as I said before, that I prefer to stand my chances against the law. (Vol. 1, pp. 129, 133, 148, 197.

The list also includes George Teasdale, an apostle; John W. Taylor, an apostle; John Henry Smith, an apostle; Marriner W. Merrill, also an apostle; Heber J. Grant, an apostle; M. F. Cowley, an apostle; M. F. Cowley, an apostle; Charles W. Penrose, an apostle; and Francis M. Lyman, who is not only an apostle, but the probable successor of Joseph F. Smith as president of the church. Thus it appears that the first president and eight of the twelve apostles, a con-siderable majority of the ruling authori-ties of the Mormon church, are noted po-

siderable majority of the ruling authorities of the Mormon church, are noted polygamists.

In addition to these, the list includes Brigham H. Roberts, who is one of the presidents of sevences and a leading official of the church; J. M. Tanner, superintendent of the church schools; Andrew Jenson assistant instorian of the church; Thomas H. Merrill, one of the presidency of a church stake; Angus M. Cannon, patriarch of the Mormon Church; a man named Greenwald, who is at the head of a church stake; Angus M. Cannon, patriarch of the Mormon Church; a man named Greenwald, who is at the head of a church school; George Reynolds, one of the first seven presidents of seventies and first assistant superintendent of Sunday-schools of the world; George H. Brimhall, president of Brigham Young University; and Joseph Hickman, teacher in Brigham Young University. All the officials named were appointed, either directly or indirectly, by the Irst presidency and twelve apostites; and in the case of J. M. Tanner, his appointment to his present office was made after he had been compelled to resign his position as president of the agricultural college because of the fact that he was a polygamis.

These facts abundantly justify the as-

mist.
These facts abundantly justify the as sertion made in the protest that "the su-preme authorities in the church, of whom Senator-elect Reed Smoot is one, to wit, the first presidency and twelve apostles, not only connive at violation of, but pro-tect and honor the violators of the laws against polygamy and polygamous cohab

tation."
It will be seen by the foregoing that no It will be seen by the foregoing that not only do the first presidency and twelve apostles encourage polygamy by precept and teaching, but that a majority of the members of that body of rulers of the Mormon people give the practice of polygamy still further and greater encouragement by living the lives of polygamists, and this openly and in the sight of all their followers in the Mormon Church. It cannot be doubted that this method of encouraging polygamy is much more efficacious than the teaching of that crime by means of the writings of that crime by means of the writings and publications of the leaders of the church, and this upon the familiar prin-ciple that "actions speak louder than And not only do the president and

words."

And not only do the president and a majority of the twelve apostles of the Mormon Church practice polygamy, but in the case of each and every one guilty of this crime who testified before the committee, the determination was expressed openly and defiantly to continue the commission of this crime without regard to the mandates of the law or the probibition contained in the manifesto. And it is in evidence that the said first president, addressing a large concourse of the members of the Mormon Church at the tabernacle in Sait Lake City in the month of June, 1904, declared that if he were to discontinue the polygamous relation with his plural wives he should be forever damned, and forever deprived of the companionship of God and those most dear to him throughout eternity. Thus it appears that the "prophet, seer, and revelator" of the Mormon Church pronounces a decree of eternal condemnation throughout all eternity upon all members of the Mormon Church who, having taken plural wives, fall to continue the polygamous relation. So that the testimony upon that subject, taken as a whole, can leave no doubt upon any reasonable mind that the allegations in the protest are true, and that those who are in authority in the Mormon Church, of whom Mr. Smoot is one, are encouraging the practice of polygamy among the members of that church, and that polygamy is being practiced to such an extent as to call for the severest condemnation in all legitimate ways.

The Manifesto a Deception.

The Manifesto a Deception.

The Manifesto a Deception.

Against these facts the authorities of the Mormon Church urge that in the year 1899 what is generally termed a manifesto was issued by the first presidency of that church, suspending the practice of polygamy among the members of that church. It may be said in the first place that this manifesto missiates the facts in regard to the solemnization of piural marriages within a short period preceding the issuing of the manifesto. It now appears that in a number of instances plural marriages had been solemnized in the Mormon Church, and, in the case of those high in authority in that church, within a very few months preceding the issuing of the manifesto. It is also observable that this manifesto in no way declares the principle of polygamy to be wrong or abrogates it as a doctrine of the Mormon Church, but simply suspends the practice of polygamy to be resumed at some more convenient seadoctrine of the Mormon Church, but simply suspends the practice of polygamy to be resumed at some more convenient season, either with or without another revelation. It is now claimed by the first president and other prominent officials of the Mormon Church that the manifestowas not a revelation, but was, at the most, an inspired document, designed "to meet the hard conditions then confronting" these who were practicing polygamy and polygamous conabitation, leaving what the Mormon leaders are pleased to term "the principle of plural marriage" as much a tenet of their faith and rule of practice when possible, as it was before the manifesto was leaved. Upon that subject Joseph F. Smith testified as follows:

follows Mr. Tayler. The revelation which Wilford Woodruff received in consequence of which Mr. Tayler. The revelation which Wilford Woodruff received in consequence of which the command to take plural wives was sus-pended did not, as you understand, change the divine view of plural marriage, did it? Mr. Smith It did not change our belief

Mr. Smith It did not change our belief at all.
Mr. Tayler. It did not change your belief at all?
Mr. Smith. Not at all, sir.
Mr. Tayler. You continued to believe that plural marriages were right?
Mr. Smith We did. I did, at least. I do not answer for anybody else. I continue to believe as I did before. (Vol. 1, p. 107.)

And one of the twelve apostless has de-clared the fact to be that "the manifesto is only a trick to beat the devil at his own game." Further than this, it is conceded by all that this manfesto was intended to prohibit polygamous cohabi-tation as strongly as it prohibited the soi-emnization of plural marriages. In the case of polygamous cohabitation, the manifesto has been wholly disregarded by the members of the Mormon Church. It is hardly reasonable to expect that the members of that church would have any greater regard for the prohibition of plural marriage.

One Living in Polygamous Cohabita tion Is in Law a Polygamost.

tion Is in Law a Polygamost.

The members of the first presidency and twelve apostles of the Morman Church claim that there is a distinction between what they term polygamy—that is, the contracting of plural marriages—and polygamous cohabitation with plural wives. But under the circumstances this distinction is little short of ridiculous. As is demonstrated by the testimony, the so-called manifesto was aimed at polygamous cohabitation, as well as against the taking of plural wives, and it is the veriest sophistry to contend that open notorious cohabitation with plural wives is less offensive to public morals than the taking of additional wives. Indeed, it is the testimony of some of those who reside in communities that are cursed by the evils of polygamy that polygamous cohabitation is fully as offensive to the sense of decency of the inhabitants of those communities as would be the taking of plural wives.

And this excuse of the Mormon leaders

would be the taking of plural wives.

And this excuse of the Mormon leaders is as baseless in law as it is in morals. In the case of Murphy vs. Ramsay, decided by the Supreme Court of the United States, volume 114, page 15, it was decided that any man is a polygamist who maintains the relation of husband to a plurality of wives, even though in fact he may cohabit with only one. The court further held in the same case that a man occupying this relation to two or more women can only cease to be a polygamist when he has finally and fully dissolved the relation of husband to several wives. In other words, there is and can be no practical difference in law or in morals between the offense of taking plural wives and the offense of polygamous cohabitation. The same dictrine is affirmed in the case of Cannon vs. United

States (116 U. S. Supreme Court Reports,

Mr. Smoot Responsible for the Conduct of the Organization to Which He Belongs.

Which He Belongs.

It is urged in behalf of Mr. Smoot that, conceding it to be true that the first president and some of the apostles are living in polygamy and that some of the leaders of the Mormon church encourage polygamous practices, Mr. Smoot himself is not a polygamist, does not practice polygamy, and that there is no evidence that he has personally and individually encouraged the practice of polygamy by members of the Mormon church, and that he ought not to be condemned because of the acts of his associates. This position is wholly untenable. Mr. Smoot is an inseparable part of the governing body of the Mormon church—the first presidency and twelve apostles—and those who compose that organization form a unit, an entirety, and whatever is done by that organization is the act of each and every member thereof, and whatever policy is adopted and pursued by the body which controls the Mormon church Mr. Smoot must be held to be responsible for as a member of that body. That one may be legally as well as morally, responsible for unlawful acts which he does not himself commit is a rule of law too elementary to require discussion. "What one does by another he does by himself" is a maxim as old as the common law. And as the first presidency and twelve apostles of the Mormon church have authority over the spiritual affairs of the members of that church, it follows that such preme authority over the members of the thurch, it follows that such preme authority over the members of that church in respect to the practice of polygamy and polygamous cohabitation.

In England in former years, and under the common decomposity of the members of the members

or polygamy and polygamous conactation.

In England in former years, and under
the common law, matters of marriage, divorce, and legitimacy were under the
jurisdiction of the ecclesiastical courts of
the Kingdom, in which the punishment
was in the nature of a spiritual penalty
for the good of the soul of the offender,
this penalty in many cases being that of
excommunication or expulsion from the
church. (I. Blackstone's Commentaries,
431; 3 Blackstone's Commentaries, 183 and note,
Reynolds v. United States, 98 U.S., 145,
164-165). And in later years, while the
civil law now prohibits and punishes
bigamy, the authorities of every Christian
church in this country take cognizance of
matrimonial affairs and by the authority
of the church in spiritual matters prevent
and punish by censure or expulsion any
infraction of the rules of the church regarding marriage.

The testimony taken upon this investigation shows beyond controversy that the
authority of the first presidency and the
twelve apostles of the Mormon church
over the members of said church is such
that were the said first presidency and
twelve apostles to prohibit the practice
of polygamy and polygamous cohabitation by its members and abandon the
practice themselves and expel from the
church all who should persist in the
practice, those offenses would instantly
cease in that church. And the fact that
not a single member of the Mormon
church has ever fallen into disfavor on
account of polygamous practices is conclusive proof that the ruling authorities
of that church countenance and encourage polygamy.

The conduct of Mr. Smoot in this regard
cannot be senarated from that of his ason. In England in former years, and under

of that church countenance and encourage polygamy.

The conduct of Mr. Smoot in this regard cannot be separated from that of his associates in the government of the Mormon church. Whatever his private opinions or his private conduct may be, he stands before the world as an integral part of the organization which encourages, counsels, and approves, polygamy, which not only falls to discipline those who break the laws of the country, but, on the contrary, loads with honors and favors those who are among the most noted polygamists within the pale of that church.

noted polygamists within the paid of church.

It is an elementary principle of law that where two or more persons are associated together in an act, an organization, an enterprise, or a course of conduct, which is in its character or purpose unlawful, the act of any one of those who are thus associated is the act of all, and the act of any number of the associates is the act of each one of the others.

An eminent legal authority says:

An eminent legal authority says:

An eminent legal authority says:

Every person entering into a conspiracy or common design already formed is deemed in law a party to all acts done by any of the other parties, before or afterward, in furthernance of the common design. The principle on which the acts and declarations of other conspirators, and acts done at different times, are admitted in evidence against the persons prosecuted is that by the act of conspiring together the conspirators have jointly assumed to themselves, as a body, the attribute of individuality so far as regards the prosecution of the common design, thus rendering whatever is done or said by any one in furtherance of that design a part of the res gestae and therefore the act of all. (2 Greenleaf on Evidence, secs. 93. 94. Sell also Commonwealth vs. Warren, 5 Mass., 74; People vs. Mather, 4 Wend, 229, 289; People vs. Peckens, 133. N. Y. N. N. Sel, 593; United States v. Gooding, 12 Wheaton, 409, 469; American Pur Company vs. United States, 2 Peters, 255, 365; Nudd et al. vs. Burrows, 91 U. S. 429, 435; United States vs. Mitchell, 1 Hughes, 449; Federal cases. No. rows, 91 U. S. 428, 458; United States vs. Mitchell, 1 Hughes 429 (Federal cases No. 15790), Stewart vs. Johnson, 2 Har. (N. J.), 57; Hinchman vs. Ritchle. Brightley's N. P. (Pa.), 143; Freeman vs. Stinc. 3 Leg. Int. (Pa.), 95; Spies et al. vs. People, 122 Illinois, 1

(Pa.), 25; Spies et al. vs. People, 122 Illinois 1

The case last cited illustrates this principle more forcibly than any of the others referred to. In that case, which is commonly known as "the snarchists' case," there was, as to some of the defendants, very little evidence, and as to others of the defendants no satisfactory evidence that they were present at the commission of the murder with which they were charged, or advised or intended the murder which was committed by an unknown person. But it was proved that the defendants were members of an organization known as the international Association of Chicago, having for its object the destruction of the law and government and incidentally of the police and militia as the representatives of law and government, and that some of the defendants had, by spoken and printed appeals to workingmen and others, urged the use of force, deadly weapons, and dynamite in resistance to the law and its officers.

In denying the motion for a new trial in the anarchists' case the Judge who prosided at the trial used the following language:

anguage:

presided at the trial used the following language:

Now on the question of the instructions, whether these defendants, or any of them, anticipated or expected the throwing of the bomb on the night of the 4th of May is not a question which I need to consider because the conviction cannot be sustained, if that is necessary to a conviction, however much evidence of it there may be, because the instructions do not go upon that ground. The jury were not instructed to find the defendants guilty if they believed they participated in the throwing of that bomb, or anything of that sort. Conviction has not gone upon the ground that they did have any personal participation in the particular act which caused the death of Degan, but the conviction proceeds upon the ground, under the instructions, that they had generally by speech and print advised large classes of the people, not particular individuals, but large classes, to commit nurder, and have left the commission, time, and place, to the individual will and whim, or caprice, or whatever it may be, of each individual man who listened to their advice and influenced by that advice somebody not known did throw the bomb which caused Degan's death. (Century Magazine, April, 1894, p. 835.)

It will be seen by the decision of the

It will be seen by the decision of the court upon the motion for a new trial in the case of Spies et al v. People that the anarchists were not convicted upon the ground that they had participated in the murder of which they were convicted. Whether they were or were not participants in the commission of this crime was not the main question at issue. They were convicted because they belonged to an organization which, as an organization, advised the commission of acts which would lead to murder.

Of like import is the decision in the case of Davis v. Beason, decided by the Supreme Court of the United States in 1853, the decision being reported in volume 123, United States Supreme Court Reports, page 333. At the time of this decision the Revised Statutes of the State of Idaho provided that no person "who is a member of any order, organization, or association which teaches, advises, counsels, or encourages its members, devotees, or any other persons to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a rite or cerebigamy or polygamy, or any other crime or defined by law, either as a rite or cere-mony of such order, organization, or as-sociation or otherwise, is permitted to vote at any election or to hold any posi-

tion or office of honor, trust, or profit within this Territory.

This provision of law the Supreme Court of the United States held to be constitutional and legal. It will be observed that this act disfranchises certain persons and makes them ineligible to any position or office of honor, trust, or profit, not for committing the crime of polygamy, nor for teaching, advising, counseling, or encouraging others to commit the crime, but because of their membership, in an organization which teaches, advises, counsels, and encourages others to commit the crime of polygamy. In Wooley v. Watkins (2 Idaho Rep., 555, 556), the court says:

Orders, organizations, and associations by whatever name they may be called, which leach, advise, counsel, or encourage the practice or commission of acts forbidden by law, are criminal organizations. To become and continue to be members of such organizations or associations are such overt acts of recognition and participation as make them particeps criminis and as guilty. In contemplation of criminal law, as though they actually engaged in furthering their unlawful objects and purposes. (See also Innis v. Bolton, 2 Idaho Rep., 497, 414.)

It being a fact that the first presidency and the twelve apostles of the Mormon church teach, advise, counsel, and encourage the members of that church to practice polygamy and polygamous cohabitation, which are contrary to both law and morals, and Mr. Smoot, being a member of that organization, be must fall under the same condemnation. Orders, organizations, and associations by

of that organization, he must fall under the same condemnation.

And the rule in civil cases is the same as that which obtains in the administration of criminal law. One who is a member of an association of any nature is bound by the action of his associates, whether he favors or disapproves of such action. He can at any time protect himself from the consequences of any future action of his associates by withdrawing from the associates by withdrawing from the association, but while he remains a member of the association he is responsible for whatever his associates may do. responsi may do.

Mr. Smoot Has Countenanced and Encouraged Polygamy.

Gouraged Polygamy.

But the complicity of Mr. Smoot in the conduct of the leaders of the Mormon church in encouraging polygamy and polygamous cohabitation does not consist wholly in the fact that he is one of the governing body of that church. By repeated acts, and in a number of instances, Mr. Smoot has, as a member of the quorum or the twelve apostles, given active aid and support to the members of the first presidency and twelve apostles in their defiance of the laws of the State of Utah and of the laws of common decency, and their encouragement of polygamous practices by both precept and example.

of Utah and of the laws of common decency, and their encouragement of polygamous practices by both precept and example.

It is shown by the testimony of Mr. Smoot himself that he assisted in the elevation of Joseph F. Smith to the presidency of the Mormon church. That he has since repeatedly voted to sustain said Joseph F. Smith, and that he so voted after full knowledge that said Joseph F. Smith was living in polygamous cohabitation and had asserted his intention to continue in this course in defiance of the laws of God and man. He also assisted in the selection of Heber J. Grant as president of a mission when it was a matter of common notoriety that said Heber J. Grant was a polygamist. He voted for the election of Charles W. Penrose as an apostle of the Mormon church after testimony had been given in this investigation showing him to be a polygamist. It is difficult to perceive how Mr. Smoot could have given greater encouragement to polygamy and polygamous cohabitation than by thus assisting in conferring one of the highest honors and offices in the Mormon church on one who had been and was then guilty of these crimes. As trustee of an educational institution he made no protest against the continuance in office of Benjamin Cluff. Jr., a noted polygamist, as president of that institution, nor made any effort to discover the truth that said Cluff had taken another plural wife long after the manifesto. Nor did he make any protest, as such trustee, against the election of George H. Brimhall, another polygamist, in the place of Benjamin Cluff. Jr.

Since his election as an apostle of the Mormon church Mr. Smoot has been intimately associated with the first president and with those who—with himself—constitute the council of the twelve apostles. The fact inta many of these officials were living in polygamous relations with a number of wives was a matter of such common knowledge in the community that it is incredible that Mr. Smoot should not have had sufficient notice of this condition of affairs to at least have p

the Senate than he would be it associating in polygamous cohabitation with a plurality of wives.

Domination of Leaders of the Mormon Church in Secular Affairs.

Domination of Leaders of the Mormon Church in Secular Affairs.

A careful examination and consideration of the testimony taken before the committee in this investigation leads to the conclusion that the allegations in the protest concerning the domination of the leaders of the Mormon church in secular affairs are true, and that the first presidency and twelve apostles of the Church of Jesus Christ of Latter-day Saints exercise a controlling influence over the action of the members of that church in secular affairs as well as in spiritual matters; and that, contrary to the principles of the common law, under which we live, and the Constitution of the State of Utah, the said first presidency and twelve apostles of the Mormon church dominate the affairs of the State and constantly interfere in the performance of its functions. The domination by leaders of the church under their claim to exercise divine authority in all matters is manifested in a general way in innumerable instances.

The right to do so is openly claimed by those who profess to speak in behalf of the church. As late as February 25, 1904, one of the twelve apostles, in a public address, said "that from the viewpoint of the gospel there could be no separation of temporal and spiritual things, and those who object to church people advising and taking part in temporal things have no true conception of the gospel of Christ and the mission of the church."

The method by which the first presidency and twelve apostles of the Mormon church direct all temporal affairs of the members of that church under the claim that such direction is by divine authority, is by requiring the members of the church."

The method by which the first presidency and twelve apostles. This means that they are to be advised by their immediate superiors. These superiors in turn take their instructions from these above them, and so on back to the point whence most, if not all, these directions emanate—that is, the first presidency and twelve apostles.

As was said by Mr. Chief Justice

As was said by Mr. Chief Justice Zano of Utah in 1887.

At the head of this corporate body, according to the faith professed, is a seer and revelator, who receives in revelations the will of the infinite God concerning the duty that man owes to himself, to his fellow-beings, to society to human government, and to God In subordination to this head are a vast number of officials of various kinds and descriptions, comprising a most minute and complete organization. The people comprising this organization claim to direct and lead by inspiration which is above all municipal government, above all man-made law. Vol. 1, p. 209.)

The phrase "take counsel" does not mean that the members of the church shall inquire of those above them in all cases concerning their action, but that they shall receive counsel—that is, direction—from those above them, and this counsel they are to implicitly obey. If they fail to do so, they are excommunicated from the church and deprived, not only of the privileges of membership in the church, but, as they are assured and believe, they thereby forfeit all hope of happiness in a future life. The absolute aburnlission of the great mass of the Mormon church is illustrated by the fact that it is laid down by the leaders of the members that, if their file leaders asy white is black."

Instances of the interference of the leaders of the Mormon church in the Mormon church in the sec-

ular affairs of their followers could be multiplied almost without number.

In one case a bishop of the church was deposed from his offices in the church because he promised to obey the laws against polygamy.

Another official of the Mormon church of the church because the promised to the mormon church and the church polygamy.

Another official of the Mormon church, was excommunicated for belonging to an organization for the enforcement of the laws and opposing the interference of the church in public affairs.

Another Mormon official was degraded in the church for refusing to obey his file.

in the church for refusing to obey his file leader.

In another case the members of a firm doing business in Salt Lake City were expelled from the Mormon church because they persisted in engaging in mining operations contrary to the command of the authorities of the church.

In another instance the church authorities interfered in the matter of the establishment of an electric-light plant.

In 1963 two members of the Mormon church who built a dancing paylion in opposition to the "counsel of the church authorities were summoned for trial and excommunication, and finally compromised the matter by turning over to the church officials the management of the paylion and 25 per cent of the net earnings.

pavilion and 25 per cent of the net earnings.

In another case there was a general understanding that the church, by its authorities, directed the location of a railroad station. In 1885 four members of the Mormon Church were excommunicated for apostacy in desiring "to open up mines against the teachings of the holy priesthood."

In another and recent instance, occurring as late as the early part of 1903, a Mormon official was deposed from his official position for writing a letter to a newspaper criticising Mr. Smoot and his political ambitions.

In another instance, occurring in 1897, a Mormon official was deposed from his official relation to the church for distributing at a school election a ticket different from that prescribed by the church authorities.

In the year 1965 a teacher in the Mor-

ing at a school election a ticket different from that prescribed by the church authorities.

In the year 1905 a teacher in the Mormon Church was cut off from the church for apostasy, the ostensible foundation for this charge being a criticism of the head of the church for his polygamous practices; the real ground being that the accused had persisted in engaging in the manufacture of salt, against the interests of the president of the church and some of his associates.

In what is known as the Birdsall case the officials of the Mormon Church assumed jurisdiction of a controversy concerning the title to real estate, and not only directed a conveyance of the title to a tract of land, but went further and enforced its decree by spiritual penallies. As has already been stated, no member of the Mormon Church (with possibly a single exception) has ever been disciplined for polygamy or polygamous cohabitation in defiance of the law and of the manifesto; but an obscure and feeble woman was excommunicated from the church and driven to the verge of insanity for refusing to obey the dictates of the church leaders and relinquish the title to a piece of land in favor of one who had no shadow of legal title thereto. As was testified by one of the witnesses for the protestants;

Whenever a man disregards the teachings and instructions or counsels of the leaders

for the protestants;

Whenever a man disregards the teachings and instructions or counsels of the leaders of the church he has the spirit of apostasy. and instructions or counsels of the leaders of the church he has the spirit of apostasy.

A forcible illustration of the domination of the leaders of the Mormon Church over the secular affairs of the people is furnished by the fact that while a majority of these leaders have for years been living in polygamous relations, in defiance of law, no one dares to attempt to bring them to justice for fear of the consequences which would be visited by the church on the one who should make the complaint. And whenever one has been daring enough to make complaint for polygamous cohabitation against any member of the church the officers of the law have refused to prosecute or those who were prosecuted and convicted have been released after the infliction of a merely nominal punishment.

The control which the governing body of the Mormon Church exercises over the secular affairs of the State of Utah is well illustrated by the fact that for many years past what are known as "religion classes" have been taught in connection

well illustrated by the fact that for many years past what are known as "religion classes" have been taught in connection with the public schools of that State. In these classes the youth of Utah are instructed in the doctrines of the Mormon Church by teachers in the public schools, supported by State taxation, the course of study being prescribed by officials of the church. This course of study includes the lives of noted Mormons whose chief claim to eminence in the church lies

Speneer vs. Joint School Dist., 15 Kan., 239; School District vs. Arnold, 11 Wis., 657.)

Such teaching is also prohibited by a statute of the State of Utah, which declares that "No atheistic, infidel, sectarian, religious, or denominational doctrinal doctrines shall be taught in any of the district schools of this State." (Revised Statutes of Utah, sec. 1845.)

The conduct of the ruling authorities of the Mormon Church in directing the teaching of "religion classes" in the scholhouses of Utah affords a fair illustration of the contempt with which the rulers of that church treat all laws and restrictions which stand in the way of their desires, or of their own interests or what they conceive to be the interests of the church of which they are the head.

The fact that these religion classes have been discontinued since their existence was revealed by this investigation serves to emphasize the truth that the Mormon Church dominates the affairs of the State of Utah in educational matters as well as in other respects.

Political Domination of the Mormon

of the Mormon Church exercises over the well illustrated by the fact that for many years past what are known as "religion classes" have been taught in connection with the public schools of that State. In structed in the doctrines of the Mormon Church was considered by the case of study being prescribed by official so fature that the seek of study being prescribed by official so fature that the seek of study being prescribed by official so fature that the seek of study being prescribed by official so fature that the seek of study being prescribed by official so fature that the seek of study being prescribed by official so fature that the seek of study being prescribed by official so fature that the seek of study being prescribed by official so fature that the seek of study being prescribed by the courts of the high priesthood of vives and in their continuance in the fature of school-houses as expounded by the courts of this country, but is also expressly forbidden by the courts of this country, but is also expressly forbidden by the courts of this country, but is also expressly forbidden by the courts of this country, but is also expressly forbidden by the court of this country, but is also expressly forbidden by the court of the second of the Church.

But it is in political affairs that the domination of the first precidency and twelve apostles of the Mormon Church is most efficacious and most injurious to the interests of the State. The constitution of the State of Utah provides "There shall be no union of church and State, nor shall any church dominate the State and interfere with its functions" (Vol. 1, p. 25.) Notwithstanding this plain provision of the constitution of Utah, the proof offered on the investigation demonstrates beyond the possibility of doubt that the hierarchy at the head of the Mormon Church has for years past formed a perfect union between the Mormon Church and the State of Utah, and that the church through its head dominates the affairs of the State in things both great and small. Even before state-hood was an accomplished fact, and while the State was in process of formation, and afterwards, during the sessions of the first and succeeding Legislatures, it was notorious that a committee appointed by the leaders of the Mormon Church was supervising the legislation of the State.

At about the same time, or shortly prior

was supervising the legislation of the State.

At about the same time, or shortly prior thereto, it became known throughout Utah that the leading officials of the Mormon Church desired that the voters belonging to that church should so divide on political lines that about one-half should belong to one of the great political parties of the nation and the other half to the other party, leaving a considerable number unassigned to either party, so that their votes could be cast for one party or the other, as might be necessary to further the interests of that church.

necessary to further the interests of that church.

It is, of course, intended by the leaders of the church that this influence shall be secretly exerted, and this is in many cases, if not in most cases, easily accomplished by means of the perfect macranery of the church, which has been adverted to, by which the will of the first presidency and twelve apostles is transmitted through ecclesiastical channels, talked over in prayer circles of the high councils of the church, and then promulgated to the members of the church as "the will of the Lord." Notwithstanding this attempt at secrecy, it has for many years been a matter of common knowledge among the people of those States in which the Mormon Church is strongest that political influence is being continually exerted in the matter of State and lower municipal officials. As was

said by one of the witnesses fied on the investigation: they indorse a man, he will whenever they indorse a man, he will whenever they but upon him their disapprobation, he will a their disapprobation, he will her disapprobation, he will her disapprobation, he will her disapprobation, he will her disapprobation on the sacess with of the Mormon Church. The this is that whatever the Mormon desires to have done, either legislation or in the affairs of the Standard whatever the Mormon sires shall not be done, is a well recognized is this fact. State convention held in legislation of the state of the Mormon Church is can ing in Idaho politics. Thus that the Mormon Church is can ing in Idaho politics. Thus that the Mormon Church is can fairs of the State of the extent only less than it affairs of the State of Utah. The state of Idaho shortly after one of the apostles of Church, who came there for of procuring such legislation. A striking illustration of the Mormon Church in Utah of legislation appears in the what is known as the "Evans was passed by both houses of ture of Utah in 1901. In order prosecutions for polygamous tion. This bill was favored a forthy of the apostles, and was a Mormon egovernor, the princ for the veto being that the att islation would bring about an to the Constitution of the Mormon Church in polygamous cohabitation would bring about an to the Constitution of the Mormon Church in polygamous cohabitation would bring about an to the Constitution of the Mormon Church in polygamous cohabitation would bring about an to the Constitution of the Mormon Church in polygamous cohabitation would bring about an to the Constitution of the Mormon Church in polygamous cohabitation would bring about an to the Constitution of the Mormon Church equipmentities leaves no doubt if from the time when the leas stances of the exercise of the Mormon Church who degage in politics in behalf of political parties should go and the first presidency and influence with the first presidency and influence with the first preside

for public office that as office, and this without favo tion.

But the rule is not so frame intered. Under this rule one candidate for public office or according to the will of the dency and twelve apostles of Church. Under the rule, as one of the twelve apostles in the Smoot) or he may be defeated as of Mr. Thatcher). It higher officials of the Mormo comes a candidate for he may retain his office and the church as in the Smoot and Mr. Roberts, or broken of his office and deprivileges in the church, as in the Smoot and Mr. Roberts and Mr. Thatcher, these different of the rule depending whollo or caprice of the first process of the first process of the twelve apostles. Under Roberts was defeated for Representative in Congressive rule he was afterward the same office.

But the domination of the clais in the Mormon church candidate for public office. In little importance in the where the Mormon church candidates favored by the rule and the rule candidates favored by the rule and the same office.